

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

UNITED STATES OF AMERICA
ex rel. LANCE ALBERTSON,

Plaintiff/Relator,

v.

AGENDIA, INC.,

Defendant.

**Civil Action No.
3:21-cv-46-TCB**

**UNOPPOSED MOTION TO EXTEND THE TIME TO SERVE
DEFENDANT**

Relator Lance Albertson respectfully requests that the Court extend the time for service of the Complaint on defendant Agendia, Inc. for an additional six months in this federal False Claims Act case. Relator has conferred with counsel for the United States. The United States consents to Relator's request for additional time to serve the defendant.

Relator filed this sealed False Claims Act case against defendant Agendia, Inc. on March 31, 2021 in the U.S. District Court for the Northern District of Georgia. On December 6, 2022, the U.S. Attorney's Office for the Northern

District of Georgia filed a Notice of Declination. On December 12, 2022, this Court ordered that Relator's False Claims Act complaint be unsealed and served upon defendant Agendia, Inc. Doc. 19.

Rule 4(m) requires service of the summons and complaint to be made upon a defendant within 90 days after the filing of the Complaint. Fed. R. Civ. P. 4(m). "Although courts generally apply Rule 4(m) to *qui tam* actions, the service window typically begins with the unsealing of the complaint." *United States v. Multiplan Network*, 2022 WL 580724 at *8 (M.D. Fla. Feb. 25, 2022) (citations omitted). Accordingly, the current deadline for Relator to serve the defendant with the complaint is March 12, 2023.

The Court has authority to extend the time for Relator to serve defendant with the Complaint, and good cause exists for Relator's request that the Court do so. See *Marchman v. Freedom Truck Finance*, 2022 WL 3336450 at *2 (N.D. Ga. May 12, 2022) ("If good cause exists, the Court must extend the time for service."); see also *Lepone-Dempsey v. Carroll County Commissioners*, 476 F.3d 1277, 1281 (11th Cir. 2007) ("Even in the absence of good cause, a district court has the discretion to extend the time for service of process.").

Despite the fact that the U.S. Attorney's Office for the Northern District of Georgia declined to intervene in this case, another United States Attorney's Office

in a different district has expressed an interest in Relator Albertson's case and is currently investigating a similar sealed False Claims Act case. As a result, Relator Albertson anticipates requesting that the Court transfer this case to that district so that it can be consolidated with the other sealed and pending matter. The purpose of the request for this extension is to give Relator and the United States time to do so without triggering active litigation that may interfere with the United States' ongoing investigation.

Although Relator is circumscribed by what he can reveal in this public filing regarding the interest of the other U.S. Attorney's Office in his case given that a separate sealed matter is concerned, Relator's counsel will gladly make themselves available to the Court to provide any additional details regarding this request.

CONCLUSION

Relator requests that the Court enter an Order extending Relator's deadline to serve defendant Agendia, Inc. by an additional six months.

A proposed Order Extending the Time to Serve Defendant is attached hereto as Exhibit A.

Respectfully submitted this 23rd day of February, 2023.

BY: /s/ Bradley W. Pratt
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Counsel for Plaintiff/Relator

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rules 5.1(B) and 7.1(D), I hereby certify that the foregoing filing complies with the applicable font and size requirements and is formatted in Times New Roman, 14 point font.

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CERTIFICATE OF SERVICE

This is to certify that this 23rd day of February, 2023, Relator's Motion to Extend the Time For Relator to Serve the Complaint was filed with the Clerk of the Court and served on the following via email or U.S. Mail:

Neeli Ben-David, AUSA
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Merrick B. Garland
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

This 23rd day of February, 2023.

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